

SITE DEVELOPMENT PERMIT

FILE NO.	H19-035
LOCATION OF PROPERTY	509 Emory Street
ZONING DISTRICT	LI Light Industrial Zoning District
GENERAL PLAN DESIGNATION	Light Industrial
PROPOSED USE	Site Development Permit to allow the construction of a new one-story 7,500-square foot warehouse and storage building and exterior modifications to an existing 7,082-square foot manufacturing/office building, and associated site improvements, with removal of eight ordinance-sized trees on a total combined site of approximately 0.89-acres
ENVIRONMENTAL STATUS	Exempt pursuant to CEQA Guidelines Section 15303 (c) for New Construction or Conversion of Small Structures
APPLICANT/ADDRESS	Vince Vincent 1036 The Alameda San Jose, CA 95126
OWNER/ADDRESS	Tom Formosa 509 Emory Street San Jose, CA 95128

FACTS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this proposed project:

- 1. Project Description.** Site Development Permit to allow the construction of a new one-story 7,500-square foot warehouse and storage building and exterior modifications to an existing 7,082-square foot office and warehouse building, and associated site improvements, with removal of eight ordinance-sized trees on a total combined site of approximately 0.89-gross acres. The proposed warehouse building will be utilized for storage of building materials such as glass, metal and aluminum partition walls and fabrication of materials will not occur on-site. The gates will remain open during business hours from 7:00 a.m. to 7:00 p.m., Monday through Friday.
- 2. Site Description and Surrounding Uses.** The subject site is located on the northwest corner of Emory Street and Coleman Avenue intersection, at 821 Coleman Avenue. The total 0.89-acre site comprises of three parcels with an existing manufacturing/office building located on

the street corner with a surface parking lot (containing approximately 82 off-street parking spaces) and eight ordinance-sized trees, seven non-ordinance sized trees and one Street tree.

The subject site is surrounded by industrial uses, with a towing office and yard to the north, metal fabrication shop to the east, across Coleman Avenue, commercial building and a tire shop further south, across Emory Street, and an art studio and a corporation yard use for a recycling building are located to the west of the subject site.

3. **General Plan Conformance.** The Envision San José 2040 General Plan/Transportation Diagram Land Use designation of the project site is Light Industrial Zoning District. This designation allows a FAR up to 1.5 (1 to 3 stories), is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. Warehousing, wholesaling, and light manufacturing are examples of typical uses in this designation. Light Industrial uses such as manufacturing and warehousing are consistent within this General Plan designation.

- a. *Floor Area Ratio (FAR):* The maximum allowable FAR is 1.5 which equals 58,152.6 square feet for the combined 0.89-gross acre site. The proposed gross floor area of 7,500 square feet plus existing 7,082 square feet, for a total of 14,582 square feet, will be within the allowable square footage for the site.

Additionally, the proposed project is consistent with the following General Plan goal and policies:

- a. Land Use Goal LU-6 – Industrial Preservation: Preserve and protect industrial uses to sustain and develop the city's economy and fiscal sustainability.

Analysis: The project will sustain the industrial use and will not facilitate the conversion of industrial lands. The subject site is primarily surrounded by industrial uses and the proposed warehouse/manufacturing uses are consistent with the industrial land use designation.

- b. Land Use Policy LU-7.1: Encourage industrial supplier/service business retention and expansion in appropriate areas in the City.

- c. Land Use and Employment Policy IE-1.1: To retain land capacity for employment uses in San José, protect and improve the quantity and quality of all lands designated exclusively for industrial uses, especially those that are vulnerable to conversion to non-employment uses.

Analysis: The proposed project will upgrade the existing light industrial site with construction of a new warehouse building in the rear of an existing office/manufacturing building, with new landscaping and parking lot improvements, which will prevent conversion of industrial uses for non-employment purposes and provide high-quality services to sustain employment in the industrial areas of the City of San José.

4. **Zoning Conformance.** The site is located in the LI Light Industrial Zoning District. Section 20.100.610 of the San José Municipal Code states that a Site Development Permit is required prior to the issuance of any building permit for erection, construction, enlargement, placement or installation of a building or structure in conformance with the applicable zoning regulations. The project conforms to the provisions of Title 20 of the San José Municipal Code, including the development standards of the LI Light Industrial Zoning District, as follows:

- a. **Use.** Warehouse, manufacturing and incidental office uses are allowed uses in the LI Light Industrial Zoning District.
- b. **Setbacks.** The site is a corner lot with its front property line along Coleman Ave (shorter side) and street side property line along Emory Street. The Light Industrial Zoning District requires a front setback of minimum 15 feet for buildings, a zero-foot side setback and a zero-foot rear setback from property lines shared with industrial zoned districts or 25-foot rear and side setback when located adjacent to a residential district. The proposed warehouse building located in the rear will be set back approximately 50 feet from the property line along Coleman Avenue and approximately 150 feet from the property line parallel to Emory Street and will have zero-foot left (west) side and rear setbacks. The project proposes a zero-side setback on the west side (residential district) which is permitted pursuant to Section 20.50.240 of the Zoning Ordinance, for side setback exception, since that side has an industrial corporation yard use for a recycling building and the reduced setback will not cause a negative effect on the adjacent property. The existing corner office building, built in 1967, will remain legal non-conforming to setbacks from street frontages along Emory Street and Coleman Avenue.
- c. **Height.** The proposed manufacturing building will have a maximum height of 24 feet, below the required maximum allowable height of 50 feet. The modified elevation of the existing building will have a raised panel and an overall height of 30 feet, in conformance with the maximum allowable height of 50 feet.

d. **Parking Requirements**

Vehicle Parking. Parking requirements, pursuant to Chapter 20.90.060 and Table 20-190, are shown in Table 1 below.

Land Use	Floor Area in square feet (sf)		Code Required Parking	Total Vehicle Parking Spaces Required	Vehicle Parking Spaces Provided
	Existing	Proposed			
Manufacturing	-	500 sf	1 space per 350 square feet of floor area, plus one space per company vehicle	500 square feet requires 2 spaces plus 8 spaces for company vehicles =10 spaces	10
Warehouse/Storage	2,544 sf	7,000 sf	A minimum of 5 spaces for warehouses with a total gross floor area between 5,000 square feet and 25,000 square feet	9,544 square feet of total gross floor area would require 5 spaces	5
Office	5,222 sf	-	1 space per 250 square feet of floor area	5,222 square feet floor area < 15 % (5,815 square	17

				feet) = None required	
Total				15 spaces	32 spaces

Table 1: Vehicle Parking Requirements

Manufacturing uses with a total gross floor area of 500 square feet require a minimum of two spaces, storage and warehouse uses with a total gross floor area between 5,000 square feet and 25,000 square feet require a minimum of five spaces. Pursuant to Section 20.50.125, incidental office uses which are less than 15 percent of the total industrial site area, do not require additional parking spaces. The total required vehicle parking for all uses on site are 15 spaces and 32 spaces are provided to meet the requirement.

Bicycle and Motorcycle Parking. The manufacturing use requires one space per 5,000 square feet of floor area and the warehouse use requires one space per ten full-time employees. The proposed use will have 20 employees, will require three bike spaces, and four bike parking spaces are provided to meet the bicycle parking requirement. Section 20.90.350 requires one motorcycle space per 50 code required auto parking spaces for office uses. The project requires one motorcycle parking space and provides two motorcycle parking spaces to meet the requirement.

Lot Line Adjustment Required. The site comprises of three parcels, with the new warehouse building on a 0.23-gross acre site. A Lot Line Adjustment is required for continual use of the site as one parcel with shared parking and driveway access from both Emory Street and Coleman Avenue to serve the industrial uses on site. This is made Condition of Approval No.10 of this permit.

5. Commercial Design Guidelines

The project is consistent with the Commercial Design Guidelines, in that the design of the proposed one-story warehouse building in the rear employs tilt-up metal frame construction with copper-tone vertical metal panels, glazing and canopies to complement the existing two-story office building on site. The exterior finished materials of the existing two-story office building will be redesigned and consist of vertical gray and taupe metal wall panels and window glazing framed between panels, accentuated with horizontal painted metal beams and canopies to create an attractive design at the street corner.

The design incorporates landscaping and building elements which prevent blank building walls. The modern building materials and new perimeter landscaping stimulate interest and emphasize pedestrian scale on the street corner at the intersection of Emory Street and Coleman Avenue.

6. Environmental Review. Under the provisions of Section 15303 for New Construction or Conversion of Small Structures, of the State Guidelines for Implementation of the California Environmental Quality Act, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

Analysis: Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structures.

The project includes construction of a new warehouse and manufacturing building for fabrication and storage of materials such as aluminum, glass and restroom partitions which are delivered to jobsites. There are no hazardous substances involved in the operation of the business. The total square footage of the proposed building is 7,500 square feet, which does not exceed 10,000 square feet in floor area and where all public services and facilities are available, in that the site is adequately served via ingress/egress driveways from both Coleman Avenue and Emory Street. This project also meets the criteria to be considered for small projects for transportation analysis, and no additional transportation analysis was required. Furthermore, the site is not on any list or located near an environmentally sensitive area, and, therefore, qualifies for CEQA exemption 15303(c). The project will not cause any adverse impacts to the adjacent sites and surroundings.

FINDINGS

The Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, with respect to the Site Development Permit findings (Section 20.100.630), that:

1. Site Development Findings

- a. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan and is applicable Specific Plans and Area Development Policies.

Analysis: As described above, the project is consistent with and will further the goal and policies of the General Plan and is consistent with General Plan Land Use Goal LU-6 and General Plan Land use policy LU-7.1 and land Use and Employment policies IE-1.1. The project is not located in any Specific Plan or development policy areas.

- b. The Site Development Permit, as approved, conforms with the Zoning Code and all other provisions of the San Jose Municipal Code applicable to the project.

Analysis: The proposed project conforms to the development regulations established for the LI Light Industrial Zoning District in that the project conforms to the use, setbacks, height and parking requirements of the Zoning District, as discussed above.

- c. The Site Development Permit, as approved, is consistent with applicable City Council Policies, or counterbalancing considerations justify the inconsistency.

Analysis: The project has been noticed for public hearing to a radius of 500 feet, consistent with the Public Outreach City Council Policy. There are no other specific City Council policies for use of an existing building for manufacturing, warehouse and office uses.

- d. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

The exterior finished materials of the existing two-story office building will consist of vertical gray metal panels and glazing accentuated with horizontal painted metal beams and canopies to create an attractive design at the street corner. The combination and use of new building materials and finishes will be mutually compatible and aesthetically harmonious with the rear industrial warehouse building on-site which will be finished with similar tilt-up metal framework and use of compatible copper tone colors and materials.

The two buildings will be oriented in a similar fashion and will share the same ingress/egress driveways accessed from public streets with common parking, connected walkways and landscaping. The proposed new building in the rear will continue to be consistent with the existing building through usage of colors, exterior wall and glazing materials and modern building design and will be mutually compatible and aesthetically harmonious on site.

- e. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: The proposed redesign of the corner building elevations with use of vertical metal panels and glazing accentuated with horizontal beams and columns creates visual interest and complements the surrounding commercial buildings. The new one-story rear metal building will complement the front office building on the same site and both buildings will be compatible and aesthetically harmonious with adjacent development and the character of the neighborhood, in that the height, mass and building form will remain compatible and the front building will continue to maintain attractive street presence at the corner of Coleman Avenue and Emory Street.

- f. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties, in that the project involves minor parking lot improvements such as restriping and repaving of an existing parking lot, with landscape improvements and provision of additional parking spaces, which will not cause noise or vibration or any other negative impacts to the surrounding neighborhood. Stormwater Management and runoff has been reviewed and approved per final Public Works Memorandum dated 2/14/20. The construction hours will be limited to the construction and site improvements of the building between 7:00 a.m. and 7:00 p.m., Monday to Friday.

The storage of materials will occur entirely indoors, and the semi-truck delivery will occur only during the business hours from 7:00 a.m. to 5:00 p.m., with 95 percent fabrication occurring at job sites, which will not generate noise or adversely impact the adjacent property or properties.

- g. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: The site is sufficient to maintain and accommodate new landscaping, irrigation, fences and gates to conceal and maneuver all outdoor activities on site; the semi-truck delivery will occur only during the business hours of 7:00 a.m. to 5:00 p.m., Monday through Friday and the loading and unloading of materials will occur in front of the rear building in the vacant area between the parking lot spaces. There are no other outdoor activities on site and the heating, ventilating, and plumbing systems are shielded on the roof or inside the building. Fourteen new trees and landscaping are proposed on

site. A new covered trash enclosure will be located on the northwest corner of the site, adjacent to the parking spaces and landscaping, as shown on the project plans. New site improvements will enhance and upgrade the appearance of the proposed buildings as viewed from the street corner at Coleman Avenue and Emory Street.

- h. Traffic access, pedestrian access and parking are adequate.

Analysis: The proposed traffic access, pedestrian access, and parking are adequate, in that the overall circulation of vehicles on the project site is from both Coleman Avenue and Emory Street and is sufficient for the uses on-site. Pedestrian circulation provides both safe and convenient access for patrons and employees. A direct pedestrian pathway is provided from both Coleman Avenue and Emory Street to the building entrances. Parking is easily accessible to both employees and customers. Parking is in conformance with Zoning Ordinance standards for automobiles, motorcycles, and bicycles, as discussed above.

2. Tree Removal Findings

Chapter 13.32 of the San Jose Municipal Code establishes required findings for a Tree Removals which findings are made for the Project based on the above-stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in this Permit.

- a. The location of the trees with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question.

Analysis: Eight ordinance-size trees and 7 non-ordinance sized trees located within the proposed circulation area, landscaping areas, and building footprint for the new project are proposed for removal. The location of the trees throughout the site unreasonably restricts the economic development of the parcel in that the trees will be within the footprint of the proposed building construction and site improvements.

The existing trees consist of 12 Tree of Heaven trees ranging from 16 inches to 82 inches in circumference, two Flowering Plum trees 27 and 66 inches in circumference and one Ash tree, 60 inches in circumference. The eight ordinance size trees, at 1:4 tree replacement ratio, require planting of 32 15-gallon trees or 16 24-inch box trees and seven non-ordinance size trees at 1:2 tree replacement ratio require planting of 14 15-gallon trees or 7 24-inch box trees for a total of 46 15-gallon trees or 23 24-inch box trees.

The project proposes to plant 14 24-inch box replacement trees. The site is still short of 9 24-inch box trees. The offsite tree replacement in-lieu fee is \$755 per tree, for a total of \$6,795, payable in full before the issuance of a building permit.

Additionally, the project proposes to remove one Street tree, which has to be replaced with one tree, and proposes to plant 12 new street trees along the project's street frontage. The location, size and species of trees will be per the City Arborist purview for the designated street tree, and he can be contacted at: arborist@sanjoseca.gov. Street tree removal/replacement process is at following url: <https://www.sanjoseca.gov/your-government/departments/transportation/roads/landscaping/permits>.

Pursuant to the Tree Ordinance Chapter 13.32, the replacement trees may be street trees planted in the public right-of-way along the project frontage, if street trees do not currently exist. If at least ten (10) Street trees are planted, the in-lieu tree replacement fees will be waived, otherwise the fees will have to be paid in full before the issuance of a building permit. This is made a condition of approval No. 12 of this permit.

Proof of tree replacement planting is required. The applicant shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager of the replacement trees within 60 days of removal of the trees, to verify compliance with the mitigation tree requirements. Such evidence should be sent to the Planning Project Manager labelled H19-035 per condition of approval No.12 of this permit.

In accordance with the findings set forth above, a Site Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire two years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Site Development Permit shall be deemed acceptance of all conditions specified in this Permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San Jose Municipal Code requires that all land development approvals and applications for such approvals in the City of San Jose shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San Jose-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San Jose-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality

Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

5. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San Jose Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
6. **Conformance to Plans.** The development of the site shall conform to the approved Site Development Permit plans entitled, "Classic Glass" 509 Emory Street, San Jose, CA 95110 dated Received January 6, 2020, on file with the Department of Planning, Building and Code Enforcement, and to the San Jose Building Code with the exception of any subsequently approved changes.
7. **Use Authorization.** This permit allows the construction of a new one-story 7,500-square foot warehouse and storage building and exterior modifications to the rear of an existing 7,082-square foot manufacturing/office building, and associated site improvements.
8. **Hours of Operation.** The industrial warehouse and office uses may operate between the hours of 6:00 a.m. and 7:00 p.m., seven days a week.
9. **Colors and Materials.** All building colors and materials shall be those specified on the Approved Plan Set.
10. **Lot Line Adjustment.** Prior to the issuance of a Building Permit the developer shall secure approval and provide proof of recordation of a Lot Line Adjustment to consolidate the existing three lots.
11. **Timing of Tree Removals.** Trees that are proposed for removal to accommodate new development shall not be removed until the related Building Permit has been issued.
12. **Replacement Trees.** Sixteen trees are proposed to replace those removed as part of this project. In accordance with the City's standard replacement ratio, 46 15-gallon trees or 23 24-inch box trees are required as replacements on-site. Because all the required replacement trees will not be provided on the site, the applicant shall pay an in-lieu fee of \$755 per tree, made payable to the City of San Jose, for each replacement tree that is not provided on-site or not provided as a replacement Street tree. Based on the above numbers, the applicant shall make an in-lieu payment in the amount of **\$6,795** to "The City of San José." The applicant shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager, to verify compliance with said mitigation requirements. Such evidence shall be labeled "File Number **H19-035**" and provided to the Planning Project Manager, prior to the issuance of Building Permits or any Public Works clearances.
13. **Permit Posting.** Prior to commencement of and during removal of any ordinance-size tree pursuant to this Permit, the applicant shall post on the site, or cause to be posted, a copy of this validated Permit in conformance with the following:
 - a. The copy of the Permit shall be a minimum size of 8.5 by 11.0 inches; shall be posted at each public street frontage within 2 feet of the public sidewalk or right-of-way; and shall be posted in such a manner that the Permit is readable from the public sidewalk or right-of-way; or
 - b. If the site does not have a public street frontage, a copy of the Permit shall be posted at a location where the Permit is readable from a common access driveway or roadway.

14. **Presentation of Permit.** During removal of any ordinance-size tree pursuant to this Permit, the applicant shall maintain the validated Permit on the site and present it immediately upon request by the Director of Planning, Building and Code Enforcement, Police Officers or their designee
15. **Over-Excavation.** All tree planting areas, including street trees, shall be over-excavated and new topsoil placed, to ensure the health of the trees.
16. **Irrigation Standards.** The applicant shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that conforms to the Zonal Irrigation Plan in the Approved Plan Set and is consistent with the City of San José Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
17. **Lighting.** All new on-site, exterior, unroofed lighting use fully cut-off and fully shielded, LED fixtures. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
18. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the Approved Plan Set.
19. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
20. **Perimeter Fences and Gates.** Fence and gate height and materials shall be provided as shown on the approved plans. The gates shall remain open for semi-truck delivery during business hours. Changes to the approved fences and gates shall require review by the Director of Planning, Building, and Code Enforcement.
21. **Window Glazing.** Unless otherwise indicated on the Approved Plan Set, all windows shall consist of a transparent glass.
22. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit for a new building (excluding façade improvements to the existing buildings), the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, H19-035, shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any Building Permit issuance, Building Permit plans shall conform to the approved Planning development permits and applicable conditions.
 - d. *Lot Line Adjustment Required.* A Lot Line Adjustment is required prior to the issuance of Building Permits per Condition Number 9.
23. **Required Fire Flow.** The Fire Flow shall meet the requirements of CFC Appendix BB. Provide the Required Fire Flow (in gpm) calculations to SJFD for approval. The Required Fire Flow is calculated based on the building construction type, size of the building, and fire sprinkler occupancy classification. The Required Fire Flow can be calculated by referring to the San Jose Fire Flow and Hydrant Policy. The policy can be obtained at <http://sanjoseca.gov/DocumentCenter/View/61703>.

The chart already provides up to 50% reduction in Fire Flow based on fire sprinkler occupancy classification. For calculating the Fire Flow for buildings with mixed construction type, refer to the following link for guidance. <http://sanjoseca.gov/DocumentCenter/View/61996>

24. **Generators.** This permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
25. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
26. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
27. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
28. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
29. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
30. **Nuisance.** As required by Title 20 of the San Jose Municipal Code, construction on this site shall be conducted in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
31. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
32. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
33. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/index.aspx?nid=2246>.
 - a. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.

b. Transportation:

- i. In alignment with Senate Bill 743 (SB743), the City's Transportation Impact Policy - Council Policy 5-3 has been replaced with a new Transportation Analysis Policy - Council Policy 5-1. Council Policy 5-1 establishes Vehicle Miles Traveled (VMT) as the transportation metric for evaluating CEQA transportation impacts.
<http://www.sanjoseca.gov/index.aspx?NID=3162>.
- ii. In conformance with the newly adopted Council Policy 5-1, this project meets the requirement for the small project exemption for CEQA transportation analysis. Furthermore, no additional transportation analysis is required.

c. Grading/Geology:

- i. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event.
 - iii. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The report should also include, but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- d. Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures and source controls measures to minimize stormwater pollutant discharges. If the project, at implementation stage, proposes 10,000-square foot or more of new/replaced impervious surfaces a Planning Permit Amendment or Adjustment will be required.
- e. Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- f. Flood: Zone D** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area

where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.

- g. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
 - h. **Undergrounding:** The In-Lieu Undergrounding Fee shall be paid to the City for all frontages adjacent to Coleman Avenue and Emory Street prior to issuance of a Public Works Clearance. (100%) percent of the base fee in place at the time of payment will be due. Currently, the 2020 base fee is \$515 per linear foot of frontage and is subject to change every January 31st based on the Engineering News Record's City Average Cost Index for the previous year.
 - i. **Street Improvements:**
 - i. Remove existing curb and gutter and sidewalk along project frontage and construct 10' wide attached sidewalk with 4'x5' tree wells along Coleman Avenue project frontage. An approximate 3' street dedication along Coleman Avenue project frontage, as needed, is required.
 - ii. Remove existing curb and gutter and sidewalk along project frontage and construct 13' wide attached sidewalk with 4'x5' tree wells along Emory Street project frontage.
 - iii. Construct 32' wide City standard driveway along Coleman Avenue project frontage.
 - iv. Construct 26' wide City standard driveway along Emory Street project frontage.
 - v. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - vi. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
 - j. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
 - k. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
 - l. **Referrals:** This project should be referred to the Santa Clara Valley Transportation Authority (VTA) for improvements to existing bus stop on Coleman Avenue.
34. **Revocation, Suspension, Modification.** This Site Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San Jose Municipal Code it finds:

- a. A violation of any conditions of the Site Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

APPROVED and issued on this **29th day of April 2020**.

Rosalynn Hughey, Director
Planning, Building, and Code Enforcement

Deputy

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